

Atty. Docket No. CA1073
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/870,581

REMARKS

Applicant respectfully requests that the Examiner acknowledge his claim to priority under 35 U.S.C. § 119(e).

Claims 1-6 which are pending in the subject application stand rejected under 35 U.S.C. §102(e) as anticipated by USP 6,345,293 (Chaddha). Applicant notes that the Examiner has identified a different set of claims and a different patent number for Chaddha at the beginning of paragraph 2 on page 2 of the Office Action, but that the text of the Office Action properly refers to claims 1-6 in the Office Action and to the Chaddha '293 patent. Applicant respectfully traverses this rejection, and requests reconsideration and allowance of the claims in view of the following arguments.

The present application describes, among other things, a distributed monitoring system in which a central computer containing central program code receives information from remote program code at each of a plurality of remote terminals. The remote program code monitors network activity associated with those remote terminals, and provides it to the central computer. The central computer then aggregates this information to provide informed search engine results to the requesting remote terminals.

Applicant disagrees with the Examiner's characterization of the teachings of Chaddha, for several reasons. First, looking at the introductory portions of Chaddha which the Examiner has identified, specifically, the portion from col. 2, line 49, to col. 3, line 51, this section merely identifies general characteristics of general purpose computers, and neither describes, nor discusses, nor remotely suggests any of the functionality of the program code claimed in the

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claims of the present application. A detailed review of this section shows merely an identification of general kinds of program code that run computers, and general kinds of peripherals that are associated with microprocessors and other general aspects of computer systems.

Second, col. 4, lines 9-65, which the Examiner also identifies, describe storage of content at a global server 210 (Fig. 2 of Chaddha). Nothing in here talks about remote program code at remote terminals for monitoring network activity and information sources monitored or accessed by those terminals. Likewise, col. 4, lines 1-39 and the other just-mentioned portions of Chaddha say nothing about comparing data records with information from information sources.

Further, col. 5, lines 22-48, which the Examiner also has cited, talk about the streaming of global and/or local information to an end user. None of this discussion talks about monitoring network activity or information source accessing at remote terminals.

Still further, col. 6, lines 11-21 of Chaddha talk about formats that video streaming can take, for example, an online news program. Local content can be combined with that. However, none of this discussion talks about monitoring user activity at remote terminals, either. The same is true for the passage at col. 6, lines 52-67. Information about users is obtained to identify end user profiles. However, none of this pertains to monitoring network activity nor the information sources that a user might access.

The passage of Chaddha from col. 4, line 64 to col. 5, line 33 (it is believed that the Examiner intended to refer to col. 5, line 64 to col. 6, line 33 here), talks about processing a user request for information by forwarding it from the global server 210 to local server 221, which

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then provides local content. Nothing in here talks about tailoring the response to the request based on network activity or user accessing of information sources at remote terminals. The same is true for the passage from col. 5, line 64 to col. 6, line 33.

The last portion of Chaddha which the Examiner has identified is col. 7, lines 10-64. This portion of Chaddha talks about selecting a cost-effective bandwidth to transmit scalable multimedia content to an end user, corresponding to the likelihood of patronage. The likelihood of patronage is based, if anything, solely on the user profile which is discussed in the preceding paragraphs of Chaddha, and which Applicant likewise has discussed earlier. None of this selection of determination of likelihood of patronage is based on the user's own activity at a remote terminal.

In contrast to Chaddha, all of the claims in the present application talk about monitored data related to information sources accessed by any of a plurality of remote terminals. Thus, there is an aspect of monitoring of user activity, which is the purpose, for example, of the program code recited in claim 1, claim 2, and claim 3 of the present application. These claims are more specific to how the data is monitored at the remote terminals, but all of the claims recite the monitoring of data at the remote terminals. Chaddha only discusses providing content from a global server, possibly in combination with a local server, to users in response to a request for information. There is no tailoring of information to that user, other than possibly based on an end user profile, which is not the same thing as user activity at the terminals, and which in any event is not monitored centrally. The user profile is based on income and other information that the user provides (col. 6, line 52, to col. 7, line 9).

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Pursuant to the foregoing, Applicant submits that all of claims 1-6 in the subject application are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: April 26, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment Under 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 26th day of April, 2004.


Thea K. Wagner